

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT LEE JENKINS, JR.,

Plaintiff,

v.

T.L. CAMPBELL, et al.,

Defendants.

Case No. 1:24-cv-00016 JLT GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS, AND DIRECTING
PLAINTIFF TO PAY FILING FEE IN FULL
WITHIN 30 DAYS

(Docs. 6, 10)

Robert Lee Jenkins is a state prisoner, and he seeks to hold the Warden of Corcoran State Prison and two correctional officers liable for violations of his civil rights arising under the Eighth and First Amendments. (*See generally* Doc. 1 at 2-10.) Plaintiff requested to proceed *in forma pauperis* in the action. (Doc. 6.)

The assigned magistrate judge found Plaintiff is subject to the three-strikes bar of 28 U.S.C. § 1915(g), after identifying the following cases that were dismissed, prior to the filing of this action, for failure to state a claim:

1. *Jenkins v. Carey*, No. 1:98-cv-05644 OWW HGB (E.D. Cal. July 13, 2000)
2. *Jenkins v. Correctional Officer Cones*, No. 2:14-cv-07557 ODW RNB (C.D. Cal. June 12, 2015)
3. *Jenkins v. Gastelo*, No. 3:16-cv-00744 WHA (N.D. Cal. May 4, 2016)
4. *Jenkins v. Drake*, No. 2:19-cv-05656 ODW PVC (C.D. Cal. May 28, 2020)

1 5. *Jenkins v. Bloom*, No. 3:19-cv-05762 WHA (N.D. Cal. Nov. 14, 2019); and

2 6. *Jenkins v. Garcia*, No. 3:20-cv-04420 WHA (N.D. Cal. Nov. 19, 2020).

3 (Doc. 10 at 5.) The magistrate judge also found Plaintiff fails to show he is in imminent danger of
4 serious physical injury, such that an exception to Section 1915 applies. (*Id.* at 8-9.) Therefore,
5 the magistrate judge recommended Plaintiff's motion to proceed *in forma pauperis* be denied and
6 that Plaintiff be ordered to pay the filing fee. (*Id.* at 10.) The magistrate judge also recommended
7 the Clerk of Court be directed to identify Plaintiff "as a three strikes litigant within the meaning of
8 28 U.S.C. § 1915(g) in the Court's docketing system." (*Id.*)

9 The Court served the Findings and Recommendations on Plaintiff and notified him that
10 any objections were due within 14 days. (Doc. 10 at 10.) The Court advised him that the "failure
11 to file objections within the specified time may waive the right to appeal the District Court's
12 order." (*Id.*, quoting *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).) Plaintiff did not file
13 objections, and the time to do so has passed.

14 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this
15 case. Having carefully reviewed the matter, the Court concludes the Findings and
16 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 17 1. The Findings and Recommendations issued March 10, 2024 (Doc. 10), are
18 **ADOPTED**.
- 19 2. Plaintiff's application to proceed in forma pauperis (Doc. 6) is **DENIED**.
- 20 3. The Clerk of Court shall apply the "3-Strikes" flag in the docketing system.
- 21 4. Plaintiff **SHALL** pay the \$405 filing fee in full for this action within 30 days of
22 the date of service of this order.

23 **Plaintiff's is advised failure to comply with this order will result in dismissal of this action.**

24
25 IT IS SO ORDERED.

26 Dated: **April 17, 2024**

27
28

UNITED STATES DISTRICT JUDGE